

**MILLCREEK, UTAH**  
**ORDINANCE NO. 21-18**

**AN ORDINANCE ADOPTING CHAPTER 15.44 OF THE MILLCREEK CODE  
RELATING TO THE MAINTENANCE OF PROPERTY**

**WHEREAS**, the Millcreek Council (“*Council*”) met in regular session on May 10, 2021, to consider, among other things, adopting Chapter 15.44 of the Millcreek Code relating to the maintenance of property; and

**WHEREAS**, the Council recognizes that the proper maintenance of structures and premises in Millcreek is essential to the preservation of a safe and healthful environment; and

**WHEREAS**, improperly maintained structures and premises are unattractive and can be unsafe and detrimental to property values; and

**WHEREAS**, the Council has determined that the regulation of adequate property maintenance is necessary in the interest of the public health, safety and welfare of the citizens on Millcreek.

**NOW THEREFORE, BE IT ORDAINED** by the Council that Title 15 of the Millcreek Municipal Code be amended by adding Chapter 15.44 Property Maintenance Code to read:

**CHAPTER 15.44 PROPERTY MAINTENANCE CODE**

**15.44.010 GENERAL**

**15.44.020 ADMINISTRATION**

**15.44.030 DEFINITIONS**

**15.44.040 EXTERIOR PROPERTY AREAS**

**15.44.050 SWIMMING POOLS, SPAS AND HOT TUBS**

**15.44.060 EXTERIOR STRUCTURE**

**15.44.070 LITTER AND RUBBISH**

**15.44.080 PLUMBING SYSTEMS AND FIXTURES**

**15.44.090 SANITARY DRAINAGE SYSTEM**

**15.44.100 STORM DRAINAGE**

**15.44.110 MECHANICAL AND ELECTRICAL REQUIREMENTS**

**15.44.120 FIRE SAFETY REQUIREMENTS**

**15.44.010 General**

- A. **Title.** These regulations shall be known as the Property Maintenance Code of Millcreek, hereinafter referred to as “this code.”
- B. **Purpose.** The purpose of this chapter is to provide a means for timely abatement of code enforcement violations that can be viewed from the public right-of-way to protect the health and safety of the public, to foster neighborhood stability, to preserve the appearance, character, and beauty of neighborhoods, to encourage community pride, to preserve the value of property, and to protect the general welfare of the city and its

citizens, businesses and visitors.

- €. **Existing Law Continued.** The provisions of this chapter do not invalidate any other chapter or ordinance but shall be read in conjunction with those titles and ordinances as an additional remedy available for enforcement of those ordinances.
- Ð. **Nonexclusive Remedies.** Notwithstanding anything contained to the contrary, the city may take any or all the remedies identified in this code (administrative, civil, or criminal) to abate a violation and/or to punish any person or entity who creates, causes, or allows a violation to exist. The abatement of a nuisance does not prejudice the right of the city or any person to recover damages or penalties for its past existence.
- E. **Severability.** If any section, subsection, sentence, clause, phrase, portion, or provision of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. This section shall apply to all amendments heretofore or hereafter made to this chapter.
- F. **General Rules of Interpretation of Ordinances.** For purposes of this chapter, certain words and terms are defined as set forth in this chapter. Words used in the present tense include the future; the singular number includes the plural and the plural the singular. Shall is mandatory and may is permissive; any gender includes the other gender.
- G. **Responsibility for Compliance with this Code.** The responsible person(s) is responsible for complying with the provisions of this code. Any person, whether as owner, agent, or occupant, who creates, aids in creating, or contributes to a violation of this code, who supports, continues, or retains a violation of this code, is a responsible person pursuant to this chapter. Every successive owner or tenant of a property or premises who fails to abate a continuing violation upon or in the use of such property or premises caused by a former owner or tenant is a responsible person and is therefore responsible in the same manner as the one who first created the violation.

#### **15.44.020 Administration**

- A. **Service of Process.** Shall comply with the requirements of MKC 1.18.050
- B. **General Enforcement Authority.** Whenever an enforcement official finds that a violation of this code has occurred or continues to exist, the appropriate administrative enforcement procedure may be used as outlined in MKC Chapter 1.18.
- €. **Authority to Inspect.** All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon cause. If the responsible person refuses to allow the enforcement official to enter the site and the violation is not visible from the public right-of-way, the enforcement official shall obtain a search warrant.
- Ð. **Director.** Director means the city's Director of Building Services, designee, or any designated enforcement official.
- E. **Identification.** The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.
- F. **Stop Work Order.** Shall comply with the requirements of MKC 1.16.050

**G. Means of Appeal.** Shall comply with the requirements of MKC 1.16.090

**15.44.030 Definitions**

Whenever used in this title:

“Abatement” means to repair, replace, remove, destroy, correct, or otherwise remedy a condition which constitutes a violation of this code by such means, in such a manner and to such an extent as the city designated representative determines is necessary in the interest of the general health, safety, and welfare of the community.

“Anchored” means secured in a manner that provides positive connection.

“Approved” means acceptable to the code official.

“Basement” means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story.

“Code official” means the official who is charged with the administration and enforcement of this code, or any duly authorized representative.

“Detached” means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping. Buildings with more than one kitchen or set of cooking facilities are considered to contain more than one dwelling unit unless the additional cooking facilities are clearly accessory to a dwelling unit as determined by the Building Services Director. Factors for determining whether cooking facilities are accessory to a dwelling unit may include but are not limited to:

1. A building design which allows all occupants ready access to all portions of the building including cooking facilities;
2. No portion of the building containing cooking facilities can be separated from the remaining rooms to form a separate dwelling unit;
3. There is only one electric and/or gas meter for the building.

“Deterioration” means to weaken, disintegrate, corrode, rust or decay and lose effectiveness.

“Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

“Easement” means the quantity of land set aside or over which a liberty, privilege, or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.

“Exterior property” means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

“Furniture, interior” means upholstered furniture (couch, chair, etc.) fabricated for interior use. Furniture that may absorb water, attract rodents and insects, or be damaged by Ultra-violet rays.

“Guard” means a building component, or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

“Habitable space” means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

“Imminent danger” means a condition that could cause serious or life-threatening injury or death at any time.

“Infestation” means the presence, within or contiguous to, a structure or premises of insects, rodents, vermin, or other pests.

“Inoperative motor vehicle” means a vehicle that cannot be driven upon the public streets for reasons including but not limited to being wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power, and shall be deemed to be inoperative if it is not currently registered and licensed in this state or another state.

“Let for occupancy” or “Let” means to permit, provide, or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

"Litter" means any quantity of uncontainerized paper, metal, plastic, glass, or miscellaneous solid waste which may be classed as trash, debris, rubbish, refuse, garbage, or junk. (MKC 9.56.010)

“Neglect” means the lack of proper maintenance for a building or structure.

“Occupancy” means the purpose for which a building or portion thereof is utilized or occupied.

“Occupant” means any individual living or sleeping in a building or having possession of a space within a building.

“Open storage” or “Outdoor storage” means storage of materials, debris, litter, salvage, equipment, or vehicles in a space open to the sky and not protected by roof, walls, and a floor with an impervious surface.

“Openable area” means that part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

“Operator” means any person who has charge, care or control of a structure or premises that is let or offered for occupancy.

“Owner” means any person, agent, operator, firm, or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

“Person” means an individual, corporation, partnership, or any other group acting as a unit.

“Pest elimination” means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other pest elimination methods approved by the code official.

“Premises” means a lot, plot or parcel of land, easement, or public way, including any structures thereon.

“Public way” means any street, alley, or other parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated, or otherwise permanently appropriated to the public for public use; and has a clear width and height of not less than 10 feet.

“Recreational vehicle” means a vehicle, snowmobile, trailer, camper, or watercraft with or without a motor, designed and constructed for recreational use or as temporary living quarters for travel or vacation purposes. " Recreational vehicle includes a vehicle, snowmobile, trailer, camper, or watercraft with or without a motor, designed and constructed for recreational use. Recreational vehicle does not include human or battery powered personal apparatuses, such as bicycles, kick-scooters, or children's toys.

“Structure” means that which is built or constructed.

“Tenant” means a person, corporation, partnership, or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

“Ventilation” means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

“Yard” means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings or structures, except as follows:

1. Fences;
2. Canopies allowed under MKZ 19.80.120B;
3. Accessory buildings in a rear yard;

4. The ordinary projections of windows where the projection is at least eighteen inches above floor level, roofs, cornices, chimneys, flues and other ornamental features which project into a yard not more than three feet;
5. Open or lattice-enclosed exterior stairways, located in a commercial or manufacturing zone, projecting into a yard not more than five feet;
6. Structures less than eighteen inches in height from the finished ground surface.

#### **15.44.040 Exterior Property Areas**

The following are the minimum conditions and the responsibilities of persons for maintenance of structures, equipment, and exterior property.

- A. **Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary, and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises they occupy and control.
- B. **Vacant structures and land.** Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.
- C. **Sanitation.** Exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.
- D. **Open storage or Outdoor storage.** Storage of materials, debris, litter, salvage, interior furniture, or equipment in a space open to the sky and not protected by roof, walls, and a floor with an impervious surface for more than seventy-two (72) hours is prohibited, unless screened from public right of way.
- E. **Grading and drainage.** Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.  
  
Exception: As approved by the Public Works Director for retention areas and reservoirs.
- F. **Sidewalks and driveways.** Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.
- G. **Weeds.** Shall comply with the requirements of MKC 9.60.020.
- H. **Dead or damaged tree.** Code enforcement shall have the authority to order the removal of any dead or damaged tree(s), as determined by a certified arborist to be of possible or probable likelihood of failure and medium to high risk of impacting a target as defined by the International Society of Arboriculture (ISA) Tree Risk Assessment, on private property within the city, upon receiving a complaint, when such tree(s) constitutes a public nuisance to the owner's expense pursuant to the

order to abate. In the event the owner fails to comply with the notice, Code enforcement shall have the authority to remove such tree(s) and charge the cost of removal to the owner.

- I. **Accessory structures.** Accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in good repair.
- J. **Motor vehicles.** Motor vehicles shall be parked in compliance with the requirements of MKC 19.80.035.
- K. **Defacement of property.** A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to a state of maintenance and repair.

#### **15.44.050 Swimming Pools, Spas and Hot Tubs**

A. **Swimming pools.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

~~B.~~ **Enclosures.** Private swimming pools, hot tubs, and spas, containing water more than twenty-four (24) inches in depth shall meet all requirements of the Salt Lake County Health Department for private swimming pools.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F1346 shall be exempt from the provisions of this section.

#### **15.44.060 Exterior Structure**

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare.

- A. **Protective treatment.** Exterior surfaces, including but not limited to door, door and window frames, cornices, porches, trim, balconies, decks, and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight. Metal surfaces subject to rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- B. **Premises identification.** Buildings shall have address numbers as approved by the Salt Lake County Recorder placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than four (4) inches in height with a minimum stroke width of one-half (0.5) inch.

- C. **Foundation walls.** Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
- D. **Exterior walls.** Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- E. **Roofs and drainage.** The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
- F. **Decorative features.** Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- G. **Overhang extensions.** Overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- H. **Stairways, decks, porches, and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with property anchorage and capable of supporting the imposed loads.
- I. **Chimneys and towers.** Chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- J. **Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- K. **Window, skylight, and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
- L. **Glazing.** Glazing materials shall be maintained free from cracks and holes.
- M. **Openable windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

- N. **Doors.** Exterior door, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units shall tightly secure the door.
- O. **Building security.** Doors, windows shall be provided with devices designed to provide security for the occupants and property within.
- P. **Gates.** Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

#### **15.44.070 Litter and Rubbish**

- A. **Refrigerators.** Refrigerators and similar equipment not in operation shall not be discarded, abandoned, or stored on premises without first removing the doors.
- B. **Disposal of litter or rubbish.** Every occupant of a structure shall dispose of litter in a clean and sanitary manner by placing such litter in an approved garbage disposal facility or approved garbage containers.

#### **15.44.080 Exterior Plumbing Systems And Fixtures**

Exterior plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Exterior plumbing fixtures shall be maintained in a safe, sanitary, and functional condition.

- A. **Supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

#### **15.44.100 Storm Drainage**

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

#### **15.44.110 Exterior Electrical Requirements**

The provisions of this chapter shall govern the exterior electrical facilities and equipment to be provided.

- A. **Facilities required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section.
- B. **Electrical system hazards.** Where it is found that the electrical system at a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration, or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.
- C. **Abatement of electrical hazards associated with water exposure.** The provisions of

this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

D. **Installation.** Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

**15.44.120 Fire Safety Requirements**

A safe, continuous, and unobstructed path of travel shall be provided from any point on the exterior of a building or structure to the public way. Means of egress shall comply with the International Fire Code.

This Ordinance, assigned Ordinance No. 21-18, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City’s recorder.

**PASSED AND APPROVED** this 10<sup>th</sup> day of May, 2021.

**MILLCREEK COUNCIL**

By: \_\_\_\_\_  
Jeff Silvestrini, Mayor

**ATTEST:**

\_\_\_\_\_  
Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Marchant	Yes	No
Jackson	Yes	No
Catten	Yes	No
Uipi	Yes	No

**CERTIFICATE OF POSTING**

I, the duly appointed recorder for Millcreek, hereby certify that:  
**ORDINANCE 21-18: AN ORDINANCE ADOPTING CHAPTER 15.44 OF THE MILLCREEK CODE RELATING TO THE MAINTENANCE OF PROPERTY**  
was passed and adopted the 10<sup>th</sup> day of May 2021 and certifies that copies of the foregoing

Ordinance 21-18 were posted in the following locations within the municipality this \_\_\_\_ day of May, 2021.

1. Millcreek City Office, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Calvin S. Smith Library, 810 E. 3300 S., Millcreek, UT 84106

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Elyse Sullivan, City Recorder